

*Before the*  
**FEDERAL COMMUNICATIONS COMMISSION**  
*Washington, DC 20554*

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 98-18
Table of Allotments	)	RM-9204
FM Broadcast Stations	)	
(Macon and Hampton, Georgia)	)	
	)	
	)	
	)	

To: Chief, Allocations Branch  
 Mass Media Bureau

**COMMENTS AND COUNTERPROPOSAL**

Dogwood Communications, Inc. ("Dogwood") hereby submits its Comments and Counterproposal to the Notice of Proposed Rule Making (NPRM) released February 11, 1998, which seeks public comment on a proposal filed by U.S. Broadcasting Limited Partnership ("Petitioner") to amend the Commission's Table of FM Allotments to reallocate Channel 300C1 from Macon, Georgia, to Hampton, Georgia, and modify the license for Station WPEZ(FM), to specify Hampton as the station's community of license.<sup>1</sup>

**I. INTRODUCTION**

1. Dogwood is the permittee of Station WAMJ(FM), licensed to Roswell, Georgia, a community of 47,923 persons located within the Atlanta Urbanized Area. See Engineering Statement, annexed hereto, at p. 2. Dogwood, which is wholly-owned and controlled by African Americans, waited over 10 years to provide service to the greater-

<sup>1</sup> The NPRM states that comments are due April 13, 1998. Thus, these Comments and Counterproposal are timely filed.

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Atlanta African American community beginning operations in December 1997.<sup>2</sup> The station has already received a measure of success and Dogwood is buoyed by the enthusiastic response from the public. However, Station WAMJ's coverage is restricted due to its limitations as a Class A facility.

2. In an effort to improve service to Roswell, Dogwood filed a one-step application to upgrade Station WAMJ from a Class A to a Class C3 facility. See FCC File No. BMPH-980309IE. The site proposed by Dogwood in that application is short-spaced by approximately 10.4 kilometers to the reference point for Hampton proposed by Petitioner in its petition. Thus, the modification application filed by Dogwood and the proposal advanced by Petitioner are mutually exclusive and the Commission must resolve the mutually exclusivity of the two proposals within this rule making proceeding.<sup>3</sup> For the reasons set forth below, the Commission should reject the proposed reallocation of Channel 300C1 from Macon to Hampton as inconsistent with the public interest and instead grant the proposed upgrade of Station WAMJ. In the alternative, the Commission should impose a site restriction from Hampton of at least 26.5 kilometers in order to accommodate Dogwood's proposed upgrade which will provide service to an additional 517,324 persons. See Engineering Statement at p. 3.

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2 The majority shareholder of Dogwood, Frank Johnson, a resident of Roswell, Georgia, was a principal of Johnson Broadcasting, Inc. ("Johnson"), an applicant for a new FM station in Roswell, Georgia. See MM Docket No. 89-337. Johnson's application and the others were designated for hearing, and by 1994 had not received a final decision due to the freeze on comparative hearing cases caused by the decision in Bechtel v. FCC, 10 F. 3d 875 (D.C. Cir. 1993). See FCC Freezes Comparative Proceedings, 9 FCC Rcd 1055 (1994), and Modification of FCC Comparative Freeze Policy, 9 FCC Rcd 6689 (1994). Johnson successfully engineered a settlement with the other applicants whereby its application would survive and the other applications would be dismissed. By Order, released May 31, 1996, the FCC approved the settlement and the substitution of Dogwood as the permittee instead of Johnson.

3 The proposals of Dogwood and Petitioner are considered mutually exclusive because Dogwood's modification application, filed March 9, 1998, was filed prior to the April 13, 1998, deadline established in the NPRM for filing counterproposals. Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application, 73 RR 2d 247, 252 (1993) (conflict between a petition for rule making and an application to modify facilities filed prior to the deadline for counterproposals will be resolved in the rule making proceeding).

**II. PETITIONER'S PROPOSAL SHOULD BE DENIED AS  
PETITIONER'S PROPOSAL IS INCONSISTENT WITH THE PUBLIC  
INTEREST**

3. Petitioner is the licensee of Station WPEZ(FM), operating on Channel 300C1 licensed to Macon, Georgia. That station has been providing service with less than maximum facilities to Macon, a community of 106,612 persons, since 1973. See Petition at p. 2. Macon is the largest community in the Macon Urbanized Area, the fourth largest city in the State of Georgia and serves as the county seat of Bibb County. Petitioner now proposes to remove a station that has provided service to Macon for 25 years to a community of 2,294 persons located approximately 55 miles away. While the proposed reallocation of Channel 300C1 to Hampton would provide that community with its first local transmission service, Macon, a large, vibrant community with a population 46 times larger than Hampton, would lose an established service. Thus, the Commission is faced with the mutually exclusive options of retaining the allotment at Macon or allotting that same channel to Hampton.

4. Petitioner seeks to move Channel 300C1 from Macon, which is at the center of a large urbanized area, to a substantially smaller community that is in close proximity to the much larger Atlanta Urbanized Area. Based upon the use of maximum facilities for a Class C1 station, Petitioner claims that it will provide service to 1,994,701 persons within its proposed 60 dbu contour. See Petition at p. 5. The number of persons currently receiving service from Station WPEZ at Macon who will lose service if the proposed reallocation is granted is 452,266. See NPRM at ¶ 3.<sup>4</sup>

5. Petitioner's proposal is an attempt to serve a much larger urbanized area under the guise of providing first local service to a community that has 2% of the population of its current community of license. See Engineering Statement at pp. 2, 4. While Petitioner makes much of the fact that its 70 dbu contour will cover only 17.8% of

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<sup>4</sup> Petitioner states that the number of persons who will lose service is 403,028. See Petition at p. 6.

the Atlanta Urbanized Area, it fails to disclose that its 60 dbu contour will cover 65.9 % of the Atlanta Urbanized Area. See Petition at p. 4 and Engineering Statement at p. 5. In fact, the population of Hampton accounts for 1/10<sup>th</sup> of 1% of the population within Petitioner's proposed 60 dbu contour and the Atlanta Urbanized Area. The 60 dbu contour is a standard method for measuring predicted coverage and it is assumed that those residing within that contour can receive a listenable signal. That is why the Commission assumes that a station will operate at maximum facilities and considers the population within the 60 dbu contour when comparing two mutually exclusive proposals. Report & Order (Greenup, Kentucky), 4 FCC Rcd 3843 (M. Med. Bur.), aff'd in pertinent part, 6 FCC Rcd 1493 (1991). Permitting a proponent to discount the larger coverage contour when analyzing if it is attempting to add service to an urbanized area but allowing that same proponent to have the benefit of the larger coverage when analyzing the benefits of the proposal is incongruous. The fact that the station's 60 dbu contour would cover in excess of 50% of the Atlanta Urbanized Area should be factored into the analysis of whether allotting a channel to a community in that area is in the public interest.

6. The Commission has stated that it will not "apply the first local service preference of our allotment criteria blindly." Memorandum Opinion and Order, 5 FCC Rcd 7094, 7096 (1990). This means that the Commission will critically analyze the proposed allotment scheme to determine whether the proposal would result in a preferential arrangement of allotments. The fact that a new local service would be created is not dispositive because the "public has a legitimate expectation that existing service will continue, and this expectation is a factor we must weigh independently against the service benefits that may result from reallocating of a channel from one community to another..." Id., at 7097.

7. The Commission's pronouncement that it would carefully review proposals for first local service was grounded in several decisions that preceded the liberalization of

the rules to permit a station to change its community of license. In Ruarch Associates, 101 FCC 2d 1358 (1985), the Commission determined that the allotment of a second channel to one community was preferred over the allotment of a channel that would provide a first local service to another community. The Commission based its decision on the fact that the prevailing community had a population 3 ½ times that of the other community, was the center of its county and needed a competitive service. Accord, Beacon Broadcasting, 63 RR 2d 794 (1987), aff'd sub. nom. New South Broadcasting Corp., 879 F. 2d 867 (D.C. Cir. 1989) (second competitive service favored over first local service where prevailing community had a population 4 ½ times greater, was the largest community in its county, served as the county seat and the other community was an adjunct to a much larger urbanized area). Macon, which has a population 46 times greater than Hampton, is the largest community in Bibb County and is the county seat. Removing this competitive service would leave Macon with one aural service for every 11,845 persons while Hampton would have one high-powered aural service for 2,294 persons, 80 % fewer persons.

8. Shortly after modifying the Commission's rules to make it easier to change a station's community of license, the Commission was faced with a proposal to reallocate a channel from a smaller urbanized area to a larger urbanized area. The proponent of the change argued that the proposal should be granted because two communities would receive first local service. While the Commission agreed that the proposal might initially appear to result in a preferential arrangement, it refused to adopt the proposal finding that there would be "disruption to existing service" and "the weight to be accorded the public's expectation [of continued service] is substantial." Report and Order (Eatonton, Sandy Springs, Georgia, Anniston, Lineville, Alabama) (Eatonton), 6 FCC Rcd 6580, 6586 (M. Med. Bur.1991), appeal dismissed Memorandum Opinion and Order, 12 FCC Rcd 8392 (1997). In that case, approximately 400,000 persons would have lost service if the proposed shift in allotments were granted. The Commission found that this number was substantial both in "absolute numbers and relative to the proposed gains" of 1.8 million persons. Id.

9. More recently, the Commission reached the same conclusion when it determined that an existing service should not be removed in order to make it available to a community 1/26th the size with no local service. In Memorandum Opinion and Order (Jefferson City, Cumberland Gap, Elizabethton, Tennessee, and Jonesville, Virginia) (Jefferson City), DA 98-153, released January 30, 1998, the Commission concluded that removal of a second service from a community of 5,494 persons to a community of 210 persons would lack "sufficient public interest factors to offset the expectation of continued service." Id., at ¶14. The Commission found that even though the allotment of the channel to the smaller community would have resulted in providing service to 7,321 more persons than presently served, those persons already received service from at least five other stations. The Commission concluded that providing an additional service to persons already well-served did not provide sufficient justification to "overcome the loss of a competitive service in Jefferson City and the expectation that this service will continue." Id. See also, Memorandum Opinion and Order (Bay City, et. al.), 78 RR 2d 1128 (1995). In this case the Commission declined to reallocate a channel to a community with fewer persons located in an urbanized area as it would have become the 20<sup>th</sup> aural service at the expense of removing an established service. The fact that the modified allotment would result in a net service gain of 712,919 persons, which dwarfed the proposed community's population of 1,388, was not compelling because the significant increase in coverage area was attributable to the preferred community's location in an urbanized area. The Commission stated that it did not intend for "community of license changes [to] become a vehicle for clustering stations in urban areas." Id., at p. 1130.

10. Like the proponent of the proposed reallocation scheme involving Jefferson City, Petitioner seeks to remove an existing service from a larger community to a much smaller community. And, while Petitioner boasts that there will be a net gain of 1,959,550 persons served by Channel 300C1 at Hampton<sup>5</sup>, many of those persons, as in Bay City, are

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<sup>5</sup> As discussed in the Engineering Statement, Petitioner is not currently operating with maximum facilities.

amply served by at least 20 other stations. See Petition at p. 6 and Engineering Statement at p. 5. Moreover, a total of 452,266 persons will lose their existing service. That loss of service (when compared to the proposed) gain is comparable to that which would have occurred in the proposal which the Commission rejected in Eatonton (1.8 million gain compared to 400,000 loss). The Commission should make the same decision regarding the proposed reallocation to Hampton as it did in Eatonton, Jefferson City and Bay City. Petitioner's proposed reallocation should be rejected as contrary to the public's interest in continued service to the substantially larger community of Macon. Rejecting the proposed reallocation to Hampton will permit the Commission to grant the one-step application filed by Dogwood which will result in service to an additional 517,324 persons.

### ***III. MODIFYING THE REFERENCE POINT FOR HAMPTON***

11. It is possible to provide both a first local service to Hampton, should the Commission reject Dogwood's compelling argument to the contrary, and an upgrade for Station WAMJ(FM) at Roswell by imposing a site restriction on the allotment to Hampton. Petitioner admits that the area in which Channel 300C1 may be located is a "sizable area which contains 1,622 square km." although the reference site selected is located in the "northern part of the usable zone." See Petition at p. 4. Petitioner proposes using the coordinates of 33° 15' 30" North Latitude and 84° 26' 21" West Longitude as the reference point for the allotment, which is a different location than the station's current transmitter site. The site proposed by Dogwood in its modification application, which is an existing tower, is short-spaced by approximately 10.4 kilometers to the reference site for Hampton. Moving the reference site to the south eliminates the short-spacing and would permit both proposals to be granted. See Engineering Statement at p. 6.

12. In its decision to permit one-step upgrades, the Commission acknowledged that there could be conflicts between such applications and rule making petitions. Conflicts

Between Application and Petitions for Rulemaking to Amend the FM Table of Allotments, 73 RR 2d 222 (1993). The Commission stated that it would endeavor to resolve such conflicts by “imposing a site restriction on the rulemaking petition ... or by allotting an alternate channel for that proposed in the petition.” Id., at p. 225, n. 12. Accord, Report and Order (New Boston, Texas and Idabel, Oklahoma), 12 FCC Rcd 15222 (M. Med. Bur. 1997) (Commission resolved competing proposals for use of the same channel by finding an alternate channel). Adopting a new reference point for the proposed allotment to Hampton would resolve the conflict and not adversely affect either proposal.

13. Accommodating Dogwood’s proposal will satisfy the public interest. First, Dogwood’s improved facilities will yield an increase in population and serve 2,195,992 persons in its 60 dbu contour. As a Class C3 facility, Dogwood will have a net gain in population within its 60 dbu contour of 517,324 persons, of which 135,770 persons are of minority heritage, Dogwood’s target audience. See Engineering Statement at pp. 3, 4. Second, no persons will lose service if Dogwood modifies its operation from a Class A to a Class C3 facility and changes transmitter sites. In contrast, the net loss in service that will result from Petitioner’s proposal is 452,266 persons. Third, Dogwood proposes to operate from an existing structure and Petitioner does not. Thus, unlike Dogwood, Petitioner can select an alternate site within the large allowable site area at which to construct a new tower. Protecting the site proposed in a modification application was one of the reasons that the Commission established the rule that such applications receive cut-off protection vis a vis rulemaking proposals. Report & Order, 70 RR 2d 1641, 1644 (1992). Therefore, Dogwood’s proposed site should be preferred. Fourth, there would be no adverse effect to Petitioner’s proposal to serve Hampton. From the modified reference point Petitioner would meet all spacing requirements and be able to provide city grade service to Hampton. And, Petitioner would serve 1,623,509 persons from the new reference point. See Engineering Statement at p. 7. Finally, accommodating both proposals is a more efficient use of the spectrum than only granting Petitioner’s proposal. Roswell is a community of 47,923 persons and yet only one Class A channel is allotted to it. In fact, there is no other community in the State of Georgia as large as Roswell that has only one Class A facility allotted to it. A community of comparable



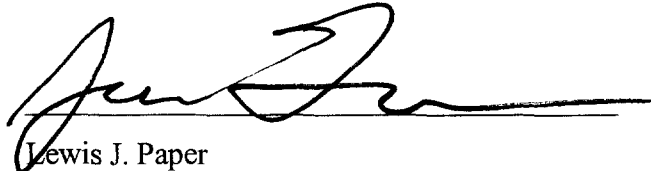
WHEREFORE, for the reasons stated, Dogwood Communications, Inc., requests that the Commission DENY the Petition for Rule Making to reallocate Channel 300C1 to Hampton, Georgia from Macon, Georgia and amend the license for Station WPEZ(FM) to specify Hampton as its community of license or grant the Petition only in conjunction with imposing a site restriction.

Respectfully submitted,

Dickstein Shapiro Morin & Oshinsky, LLP  
2101 L Street, N.W.  
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ATTORNEYS FOR DOGWOOD  
COMMUNICATIONS

By:

A handwritten signature in black ink, appearing to read "Lewis J. Paper", written over a horizontal line.

Lewis J. Paper  
Jacob S. Farber

April 13, 1998

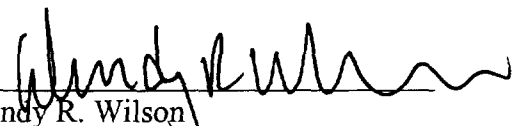
**CERTIFICATE OF SERVICE**

I, Wendy R. Wilson, a secretary at the law firm of Dickstein Shapiro Morin & Oshinsky, LLP, hereby certify that a true and correct copy of the foregoing Comments and Counterproposal was sent this 13<sup>th</sup> day of April, 1998, by first-class mail, postage prepaid, to the following:

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**ENGINEERING EXHIBIT EE:**

**MM DOCKET 98-18  
FM CH. 300C1 - HAMPTON, GEORGIA  
COUNTERPROPOSAL TO PERMIT UPGRADE BY  
WAMJ CH. 298C3 - ROSWELL, GEORGIA**

**APRIL 13, 1998**

**ENGINEERING STATEMENT IN SUPPORT OF  
A COUNTERPROPOSAL IN MM DOCKET 98-18  
BY DOGWOOD COMMUNICATIONS, INC.  
TO PERMIT THE UPGRADE OF  
WAMJ CH. 298C3 AT ROSWELL, GEORGIA**

**ORIGINAL  
SIGNATURE**

**MULLANEY ENGINEERING, INC.**

**ENGINEERING EXHIBIT EE:**

**MM DOCKET 98-18  
FM CH. 300C1 - HAMPTON, GEORGIA  
COUNTERPROPOSAL TO PERMIT UPGRADE BY  
WAMJ CH. 298C3 - ROSWELL, GEORGIA**

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**MULLANEY ENGINEERING, INC.**

**DECLARATION**

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Dogwood Communications, Inc., to prepare comments in support of a counterproposal in MM Docket 98-18.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

  
John J. Mullaney

Executed on the 13th day of April 1998.

**MULLANEY ENGINEERING, INC.**

**ENGINEERING EXHIBIT EE:**

**MM DOCKET 98-18  
FM CH. 300C1 - HAMPTON, GEORGIA  
COUNTERPROPOSAL TO PERMIT UPGRADE BY  
WAMJ CH. 298C3 - ROSWELL, GEORGIA**

**NARRATIVE STATEMENT:**

**I. GENERAL:**

This engineering statement has been prepared on behalf of Dogwood Communications, Inc., permittee of Radio Station WAMJ(FM) which operates on FM Channel 298A at Roswell, Georgia. The purpose of this statement is to support a counterproposal in MM Docket 98-18 which is seeking comment of the reallocation of Ch. 300C1 from Macon, Georgia to Hampton, Georgia and the modification of the license of WPEZ(FM) to specify Hampton as its community of license.

On March 9, 1998, WAMJ filed a 301 application (BPH-980309IE) requesting a construction permit authorizing a "one-step" upgrade to C3 facilities on Ch. 298C3 at Roswell, GA. The site proposed in the WAMJ upgrade application is just 65.6 km from the special reference site specified in MM Docket 98-18 for Ch. 300C1 at Hampton. Given that Section 73.207 specifies that the minimum separation between a C3 & C1 facility operating two channels apart is 76 km it is clear that both proposals are mutually exclusive.

## II. ENGINEERING DISCUSSION:

### A. WAMJ C3 Upgrade:

WAMJ is licensed to Roswell, Georgia, a community of 47,923 persons located within Fulton County which has a population of 648,951 persons (1990 Census). Roswell is part of the Atlanta Urbanized Area which has a population of 2,157,806 persons and which incorporates portions of eleven counties. WAMJ is the only aural service licensed to Roswell, Georgia.

Figure 1 is a channel allocation study from the site specified in the WAMJ C3 upgrade application. It establishes that the proposed site (33-50-48 / 84-22-16) is short spaced to one existing station, one deleted allotment and one pending rule making. In accordance with the "one-step" processing requirements WAMJ has provided a special reference site (33-59-11 / 84-21-06) which is properly spaced to all existing and pending proposals as of its filing (March 9, 1998).

The 10 km short spacing to WCGQ on Ch. 297C at Columbus, GA, is permissible under Section 73.215 since the proposed spacing of 165.9 km exceeds the minimum permitted contour protection separation of 165 km and provided no prohibited overlap of contours result. WAMJ has proposed to utilize a directional antenna which incorporates a 5.3 dB reduction in ERP so as to avoid received interference.

MM Docket 97-196 deleted the allotment for FM Ch. 298A at La Fayette, GA. That docket indicated that one pending application (BPH-920304MH) for FM Ch. 298A at La Fayette, GA, would be dismissed. Consequently, this item is of no concern.

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The 10 km short spacing to the special reference point for Ch. 300C1 at Hampton, GA, is prohibited under Section 73.215 since it is below the minimum permitted contour protection separation of 75 km. Thus as presently pending it is impossible to grant both the pending application of WAMJ and the pending proposal for Ch. 300C1 at Hampton, GA -- both proposals are mutually exclusive.

WAMJ currently operates on Ch. 298A with an ERP of 6 kW at an HAAT of 98 meters. These facilities provide a 60 dBu contour to a population of 1,678,668 persons. It has been determined that 1,603,956 of those persons are located within six counties of the Atlanta Urbanized Area. Thus the existing facilities fail to provide any service to five of the eleven counties or 25.7% of the Atlanta Urbanized Area.

The pending C3 upgrade application on Ch. 298C3 proposes to operate with an ERP of 9.2 kW-DA at an HAAT of 163 meters. It should be understood that the proposed maximum ERP of 9.2 kW is equivalent to 25 kW at 100 meters or maximum C3 facilities. These facilities will provide a 60 dBu contour to a population of 2,195,992 persons (an increase of 517,324 persons or 30.8% when compared to licensed facility). It has been determined that 2,047,204 of those persons are located within ten counties of the Atlanta Urbanized Area. Thus the proposed C3 facilities provide some service to ten of the eleven counties or 94.9% of the Atlanta Urbanized Area. The only county within the Atlanta Urbanized Area to which WAMJ's C3 proposal fails to provide any service is Fayette County and it contributes only 1,297 persons to the urbanized population.



In addition, the C3 facilities will provide a 60 dBu contour to 733,303 persons of minority heritage and this represents an increase of 135,770 persons when compared to WAMJ's licensed facility.

**B. Hampton Proposal - As Originally Proposed:**

U.S. Broadcasting Limited Partnership, licensee of WPEZ(FM) at Macon, Georgia, has filed a request to reallocate Ch. 300C1 from Macon to Hampton, Georgia and to modify the license of WPEZ to specify Hampton as its community of license.

The community of Macon has a population of 106,612 persons with 106,210 of those persons located within Bibb County and 402 of the persons located within Jones County. Macon is located within the Macon Urbanized Area which has a total population of 129,496 persons (1990 Census).

The community of Hampton has a population of 2,294 persons (per NPRM) and is located within Henry County which has a population of 58,741 persons. While Hampton is not contained within an urbanized area it is located just 42.8 km (26.6 miles) south of the official reference point for Atlanta. In contrast, Hampton is located 96.9 km (60.2 miles) from the official reference point for Macon and 99.2 km (61.6 miles) from WPEZ's licensed site.

WPEZ has requested a special reference point which is located some 20.4 km (12.7 miles) southwest of Hampton. The special reference point was required in order to avoid a short spacing with the current Class A facilities of WAMJ on Ch. 298A at Roswell, GA. MM Docket 98-18 has published the following coordinates for allotment purposes at Hampton: 33-15-30 / 84-26-21. The proposed

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latitude differs by only 3 seconds from that requested by WPEZ and, thus, are essentially the same.

Figure 2 is a channel allocation study from the special reference site specified in NPRM. It establishes that the reference site is short spaced to the C3 upgrade application of WAMJ on Ch. 298C3 at Roswell, GA. In addition, it indicates possible interference to the FCC Monitoring Station at Powder Springs, GA. In order to achieve the maximum HAAT of 299m it will be necessary to place the antenna center of radiation 321.1 meters (1054 feet) above the ground (AGL). This means that the overall tip height of the structure will have to be 335.9 meters (1102 feet) assuming the use of an 8 bay FM antenna (mounted 3 meters below the top of the structure).

Assuming maximum C1 facilities the Hampton facility will provide a 60 dBu contour to 1,999,393 persons. It has been determined that 1,421,554 of those persons are located within nine counties of the Atlanta Urbanized Area. Thus the proposed Hampton C1 facility could potentially provide some service to nine of the eleven counties or 65.9% of the Atlanta Urbanized Area. The entire 60 dBu service area of the Hampton facility will receive service from at least five existing aural services with some portions of that area receiving service from over twenty existing aural services.

WPEZ's licensed facilities operate with an ERP of 100 kW at an HAAT of 210 meters. These facilities provide a 60 dBu contour to 438,307 persons. This service area includes 100% of the 129,496 persons contained within the Macon Urbanized Area. If WPEZ were to increase its HAAT at its licensed site to the maximum permitted (299m) it would serve 516,732 persons or 78,425 more persons than

does its presently licensed facility. It should be noted that WPEZ does not currently provide service to any portion of the Atlanta Urbanized Area.

**C. Hampton Proposal - Alternate Proposal:**

Figure 3 is a channel study from an alternate special reference point for use by Ch. 300C1 at Hampton. The alternate site (33-11-00 / 84-08-00) is located some 29.7 km (18.5 miles) east-southeast of the site contained within the NPRM. However, the alternate site is only 26.5 km (16.5 miles) south-southeast of Hampton, GA. It should be noted that this is just 6.1 km (3.8 miles) further than the site restriction initially proposed in the NPRM. Given that a maximum C1 facility has a theoretical city grade radius of 50 km the requested site restriction of 26.5 km is well within acceptable standards. It has been determined that a facility operating with an ERP of 100 kW at HAAT of 80 meters (262 feet) will provide F(50,50) city grade service to 100% of Hampton.

Dogwood recognizes that it is only necessary to theoretically propose a site which is 17 km (10.6 miles) southeast of that contained within the NPRM. However, such a reference point would be 7 km from the Griffin-Spalding County Airport and within 2 miles of a potential VFR Flyway. Consequently, construction of a tower in excess of 500 feet could be questionable. The alternate site is over 13 km from any public use airport and is not within 2 miles of any obvious VFR Flyway. Thus construction of a much taller tower is possible.

Operation of maximum C1 facilities from the alternate special reference point proposed herein will result in a

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60 dBu contour to 1,623,509 persons or 81.2% of that theoretically provided from the NPRM site. It has been determined that 966,201 of those persons are located within seven counties of the Atlanta Urbanized Area. Thus the proposed alternate Hampton C1 facility could potentially provide some service to seven of the eleven counties or 44.8% of the Atlanta Urbanized Area.

Figure 4 is a map which illustrates the area in which a properly spaced operation on Ch. 300C1 can locate its tower. The entire permissible area exceeds 1450 square kilometers. However, 100 percent 70 dBu F(50,50) city grade service to Hampton (assuming maximum C1 facilities) limits the area in which a tower can be located to 989 square kilometers. The "red" lines on the map depict the theoretical "city grade" service limit based upon an assumed operation of 100 kW at 150 meters (approximately half of maximum permitted HAAT) and upon the assumed operation of 100 kW at 299 meters (maximum facilities).

Protection of the WAMJ C3 application eliminates approximately 374 square kilometers or 38% of the total theoretical area available for C1 operations at Hampton. However, there still remains some 309 square kilometers which will provide 100% city grade service assuming an HAAT of 150 meters or less and an additional 306 square kilometers assuming an HAAT of 150 meters to 299 meters. As previously noted, even after imposing a site restriction to protect the WAMJ C3 application it is still possible to provide 100% city grade service with an HAAT of 80 meters.

**D. Established Site vs: Theoretical Site:**

Dogwood has proposed to operate from a building roof located in the Atlanta Urbanized Area. That site will permit WAMJ to achieve an HAAT of 163 meters. Because of FAA constraints, local zoning considerations and existing land use patterns in the Atlanta Urbanized Area establishment of new tall tower site is nearly impossible. WAMJ has obtained reasonable assurance that it can operate from the site proposed in its application.

The site proposed in the Hampton NPRM is nothing more than a "special" reference point. There is no existing tower at that site or in the immediate surrounding area. The NPRM did not indicate that reasonable assurance was obtained from any specific site.

Consequently, Dogwood requests that WAMJ be permitted to operate from the site proposed in its application and that a site restriction of 26.5 km be imposed on the Hampton facility.

**E. Coverage Area and Population:**

The population within contours was obtained through a computerized analysis of the census designated places population data contained in the 1990 Census.

III. SUMMARY:

Dogwood Communications, Inc., permittee of WAMJ at Roswell, Georgia, herein submits a counterproposal in MM Docket 98-18 involving the reallocation of Ch. 300C1 from Macon, Georgia to Hampton, Georgia and the modification of the license of WPEZ(FM) to specify Hampton as its community of license. Dogwood requests that at a minimum the staff impose a 26.5 km site restriction on the Hampton allotment so as to protect the pending "one-step" C3 upgrade application of WAMJ. Such a site restriction will permit the grant of both proposals.

April 13, 1998.

  
John J. Mullaney

APRIL 1998

WPEZ	RM9204	300 C1	FR	POLARIZATION	ERP (KW)	HAAT	RCAMSL
Hampton GA	US		ADD		HOR PLN	BM TILT	(METER)
33.1530	84.2621	(D.MMSS)		HORIZONTAL	100.000	0.000	299.0
U.S. Broadcasting Limited Partnershi				VERTICAL	0.000	0.000	0.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

ERP= 100.000 (KW) 20.0 (DBK) HAAT= 299.0 (METERS)

CALCULATED HAAT FROM TOPO DATA BASE

INTERFERING	DOMESTIC	AZIMUTH	HAAT	HAAT	CONTOURS (KM)
	DBU KM	DEGREES	(METERS)	(FEET)	70 DBU 60 DBU
CO CHANNEL ( 40.0)	171.9	0.0	293.2	961.9	49.6 71.8
1ST ADJACENT ( 54.0)	105.0	45.0	297.0	974.4	49.9 72.1
2ND ADJACENT ( 80.0)	33.7	90.0	292.1	958.2	49.6 71.8
3RD ADJACENT (100.0)	10.1	135.0	287.2	942.1	49.2 71.4
		180.0	301.3	988.5	50.2 72.5
		225.0	313.6	1028.8	51.0 73.4
PROTECTED ( 60.0)	72.3	270.0	299.0	981.1	50.0 72.3
		315.0	308.7	1012.7	50.7 73.0
CITY GRADE ( 70.0)	50.0	AVERAGE	299.0	981.0	50.0 72.3

PENDING RM MM DOC 98-18

EST SITE ELEVATION : 225.6 m.; 740.0 ft.  
 EST RAD CENTER AGL : 321.1 m.; 1053.6 ft.  
 RAD CENTER A.M.S.L.: 546.7 m.; 1793.6 ft.

\*\*\*\*\*  
 \* POSSIBLE INTERFERENCE TO FCC MONITORING STATION \*  
 \* POWDER SPRINGS, GA \*  
 \*\*\*\*\*

FM TO FCC DISTANCE = 72.0 KM; BEARING = 338.6 ( DISTANCE IS WITHIN 80. KM AND ERP 25 KW OR MORE )

AZIMUTH	FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	LAT (D.MMSS)	LONG	REL CHN	ERP (KW)	HAAT D	I-CON	P-CON	IR	IC	REZLT
											HORZ VERT	(M)	A F5010	F5050	DIST	RSEP	IR IC
													(KM)	(KM)	(KM)	(KM)	(KM)
213.4	33.0	WCGQ	LIC		BLH861124KA	Columbus	GA A	32.2759	85.0323	3RD 297C	100.H100.V	308			105.1	105.	C
5.7	185.7		VAC			Roswell	GA A	33.5911	84.2106	2ND 298C3	H V				81.2	76.	C
**COMMENT**Reserved for WAMJ per one-step application 980309IE																	
6.6	186.6	WAMJ	CP		BPH870727MF	Roswell	GA A	33.5548	84.2045	2ND 298A	6.0H 6.0V	98			75.0	75.	S
5.5	185.5	WAMJ	APP		BPH980309IE	Roswell	GA A	33.5048	84.2216	2ND 298C3	9.2H 9.2V	163E			65.6	76.	S
**COMMENT**One-step application from Channel 298A																	
177.4	357.5	WEGC	LIC		BLH950825KC	Sasser	GA A	31.3842	84.2115	1ST 299C3	11.5H11.5V	950			179.1	144.	
78.2	259.4	WUUS	LIC		BLH940421KB	Martinez	GA A	33.3647	82.1751	1ST 299C2	24.5H24.5V	1760			203.0	158.	
285.1	103.9	WRAX	LIC		BLH910708KB	Birmingham	AL A	33.4352	86.3757	1ST 299C	100.H100.V	377			210.5	209.	C
124.3	304.7	WPEZ	LIC		BLH890221KA	Macon	GA A	32.4512	83.3346	CO 300C1	100.B100.B	210			99.2	245.	-
124.3	304.7	WPEZ	DEL		RM9204	Macon	GA A	32.4512	83.3346	CO 300C1	H V	0			99.2	245.	-
0.0	0.0	WPEZ	ADD		RM9204	Hampton	GA A	33.1530	84.2621	CO 300C1	H V	0			0.0	245.	-
**COMMENT**Site Restriction 20.4km Southwest																	
**DOCKET**98-18 **																	
339.3	158.8	WOGT	LIC		BLH931101KZ	East Ridg TN	A	35.0942	85.1906	CO 300C3	2.85H2.85V	295E			226.1	211.	

CHANNEL ALLOCATION - HAMPTON - PROPOSED SITE

MM DOCKET 98-18  
 FM CH. 300C1 - HAMPTON, GA  
 COUNTERPROPOSAL TO PERMIT UPGRADE BY  
 WAMJ CH. 298C3 - ROSWELL, GA

MULLANEY ENGINEERING, INC.

GAITHERSBURG, MARYLAND

FIGURE 2

APRIL 1998



NEW-A	300 C1	FM	POLARIZATION	ERP (KW)	HAAT	RCAMSL
HAMPTON - ALTERNATE GA	US			HOR PLN	BM TILT	(METER)
33.1100	84.0800 (D.MMSS)		HORIZONTAL	100.000	0.000	299.0
			VERTICAL	100.000	0.000	299.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:

ERP= 100.000 (KW) 20.0 (DBK) HAAT= 299.0 (METERS)

CALCULATED HAAT FROM TOPO DATA BASE

INTERFERING	DOMESTIC	AZIMUTH	HAAT	HAAT	CONTOURS (KM)
	DBU KM	DEGREES	(METERS)	(FEET)	70 DBU 60 DBU
CO CHANNEL ( 40.0)	171.9	0.0	305.1	1001.0	50.4 72.8
1ST ADJACENT ( 54.0)	105.0	45.0	313.1	1027.1	51.0 73.4
2ND ADJACENT ( 80.0)	33.7	90.0	335.4	1100.5	52.4 75.0
3RD ADJACENT (100.0)	10.1	135.0	319.2	1047.3	51.4 73.8
		180.0	288.0	944.9	49.3 71.4
		225.0	279.5	917.1	48.7 70.7
PROTECTED ( 60.0)	72.3	270.0	270.9	888.7	48.1 70.0
		315.0	280.8	921.1	48.8 70.8
CITY GRADE ( 70.0)	50.0	AVERAGE	299.0	981.0	50.0 72.3

ALTERNATE SITE

MM DOC 98-18

EST SITE ELEVATION : 225.6 m.; 740.0 ft.  
 EST RAD CENTER AGL : 294.6 m.; 966.5 ft.  
 RAD CENTER A.M.S.L.: 520.1 m.; 1706.5 ft.

\*\*\*\*\*

AZIMUTH	FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	LAT (D.MMSS)	LONG	REL CHN	ERP (KW)	HAAT	D	I-CON	P-CON	IR	IC	REZLT
											HORZ	VERT	(M)	A F5010	F5050	DIST	RSEP	RSEP
														(KM)	(KM)	(KM)	(KM)	(KM)
227.5	47.0	WCGQ	LIC		BLH861124KA	Columbus	GA A	32.2759	85.0323	3RD 297C	100.H	100.V	308			117.4	105.	
347.3	167.2		VAC			Roswell	GA A	33.5911	84.2106	2ND 298C3	H	V				91.3	76.	
**COMMENT**Reserved for WAMJ per one-step application 980309IE																		
346.7	166.6	WAMJ	CP		BPH870727MF	Roswell	GA A	33.5548	84.2045	2ND 298A	6.0H	6.0V	98			85.1	75.	
343.4	163.3	WAMJ	APP		BPH980309IE	Roswell	GA A	33.5048	84.2216	2ND 298C3	9.2H	9.2V	163E			76.8	76.	C
**COMMENT**One-step application from Channel 298A																		
187.0	6.9	WEGC	LIC		BLH950825KC	Sasser	GA A	31.3842	84.2115	1ST 299C3	11.5H	11.5V	950			171.8	144.	
73.8	254.8	WUUS	LIC		BLH940421KB	Martinez	GA A	33.3647	82.1751	1ST 299C2	24.5H	24.5V	1760			177.3	158.	
285.4	104.0	WRAX	LIC		BLH910708KB	Birmingham	AL A	33.4352	86.3757	1ST 299C	100.H	100.V	377			240.2	209.	
131.8	312.1	WPEZ	LIC		BLH890221KA	Macon	GA A	32.4512	83.3346	CO 300C1	100.B	100.B	210			71.5	245.	-
131.8	312.1	WPEZ	DEL		RM9204	Macon	GA A	32.4512	83.3346	CO 300C1	H	V	0			71.5	245.	-
286.4	106.3	WPEZ	ADD		RM9204	Hampton	GA A	33.1530	84.2621	CO 300C1	H	V	0			29.7	245.	-
**COMMENT**Site Restriction 20.4km Southwest																		
**DOCKET**98-18 **																		
334.0	153.3	WOGT	LIC		BLH931101KZ	East Ridg TN	A	35.0942	85.1906	CO 300C3	2.85H	2.85V	295E			245.1	211.	

\*\*\*\*\*

CHANNEL ALLOCATION - HAMPTON - ALTERNATE SITE

MM DOCKET 98-18  
 FM CH. 300C1 - HAMPTON, GA  
 COUNTERPROPOSAL TO PERMIT UPGRADE BY  
 WAMJ CH. 298C3 - ROSWELL, GA

MULLANEY ENGINEERING, INC.

GAITHERSBURG, MARYLAND

FIGURE 3

APRIL 1998